

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

CASE NO. 10-01096 ESL

JOSÉ MIGUEL DE JESÚS MIRANDA

CHAPTER 13

DEBTOR(S)

MOTION FOR RELIEF FROM ORDER

TO THE HONORABLE COURT:

COMES NOW, Debtor represented by the undersigned counsel and very respectfully states:

1. On October 13, 2011 the Court dismissed the case based on the following: the denial of confirmation, a modified plan has not been filed and that a relief from judgment and/or appeal had not been filed.

2. The denial of confirmation was based on the fact that the plan was insufficiently funded to pay the full amount of the domestic support priority claim filed. As we have explained to the Court in various occasions, the controversy regarding the determination and final amount of the domestic support obligation is subject to an appeal process before the Puerto Rico Circuit Court of Appeals. This case is currently before this Court and no determination regarding the issues on appeal has been rendered.

3. It was our understanding that the Court had continued the matter without a date pending the resolution by the Puerto Rico Circuit Court of Appeals. The minutes on the hearing on

confirmation held on June 8, 2011 state that the plan was not confirmed, that the same was insufficiently funded to pay secured arrears and the DSO obligation and that the confirmation hearing was continued without a date. We note that the item identified as "LBR 3015" is crossed out.

4. In view of the above and since a final determination by the Puerto Rico Circuit Court of Appeals has not been reached and the DSO recipient's unwillingness to settle for a lesser amount under the plan on this non-dischargeable debt it is impossible to submit a confirmable plan until a final resolution as to the amounts owed is reached by the state court. To the best of the undersigned's recollection that was the determination of the Court.

5. We note that as of October 12, 2011, the Debtor is current in his payments to the Trustee.

Once a determination on the domestic support issues is determined by the state courts we will move for the confirmation of the plan and allow the Trustee to begin making disbursements.

WHEREFORE, for the reasons stated above it is respectfully requested from the Court to take notice of the above, and, to vacate the order dismissing the present case and continue the hearing on confirmation without a date pending the final

resolution by the state court of the matters on appeal regarding the domestic support obligation.

RESPECTFULLY SUBMITTED.

NOTICE TO CREDITORS AND PARTIES IN INTEREST: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. L.B.R. 9013-1 (h)(1).

In Bayamón, Puerto Rico, this 24th day of October 2011.

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USDC-PR # 201904